

# SENATE RECORD VOTE ANALYSIS

104th Congress  
2nd Session

Vote No. 105

May 2, 1996, 4:43 p.m.  
Page S-4594 Temp. Record

## ILLEGAL IMMIGRATION/State-Local Waiver of Deeming Requirements

**SUBJECT:** Immigration Control and Financial Responsibility Act of 1996 . . . S. 1664. Graham amendment No. 3759 to the Dole (for Simpson) amendment No. 3743.

### ACTION: AMENDMENT REJECTED, 30-70

**SYNOPSIS:** As reported, S. 1664, the Immigration Control and Financial Responsibility Act of 1996, will address the issue of illegal immigration: by increasing the number of Border Patrol and investigative personnel; by establishing pilot programs to improve the system used by employers to verify citizenship or work-authorized alien status; by increasing penalties for alien smuggling and document fraud; by reforming asylum, exclusion, and deportation laws and procedures; and by reducing the use of welfare by aliens.

The Dole (for Simpson) perfecting amendment to the bill would strike all after the first word and would insert the text of the bill, as amended, with one technical change.

**The Graham amendment** would suspend any requirement placed on a State or local government if the responsible Federal agency or the responsible State or local agency administering the requirement found that it imposed a net cost on State and local governments, that the Federal Government provided insufficient funds to pay fully for the costs incurred by State and local governments, or that the requirement would significantly delay or deny services to otherwise eligible individuals in a manner that would hinder the protection of life, safety, or public health. (The amendment would effectively allow a State or local government to waive, on a program-by-program basis, the requirement in this bill to deem the income and resources of an immigrant's sponsor to be the immigrant's income and resources when determining that immigrant's eligibility for any Federal welfare program).

**Those favoring** the amendment contended:

We agree that sponsors of immigrants who sign affidavits saying that they will not let those immigrants become public charges should keep their word. We all know, though, that no matter what Congress does many sponsors will not keep their word. Given that

(See other side)

YEAS (30)		NAYS (70)			NOT VOTING (0)	
Republicans (0 or 0%)	Democrats (30 or 64%)	Republicans (53 or 100%)	Democrats (17 or 36%)		Republicans (0)	Democrats (0)
Akaka	Lautenberg	Abraham	Helms	Baucus		
Boxer	Leahy	Ashcroft	Hutchison	Biden		
Bradley	Levin	Bennett	Inhofe	Bingaman		
Breaux	Lieberman	Bond	Jeffords	Bryan		
Bumpers	Mikulski	Brown	Kassebaum	Byrd		
Conrad	Moseley-Braun	Burns	Kempthorne	Dorgan		
Daschle	Moynihan	Campbell	Kyl	Exon		
Dodd	Murray	Chafee	Lott	Feingold		
Ford	Pell	Coats	Lugar	Feinstein		
Glenn	Pryor	Cochran	Mack	Harkin		
Graham	Rockefeller	Cohen	McCain	Heflin		
Inouye	Sarbanes	Coverdell	McConnell	Hollings		
Johnston	Simon	Craig	Murkowski	Kerrey		
Kennedy	Wellstone	D'Amato	Nickles	Kohl		
Kerry	Wyden	DeWine	Pressler	Nunn		
		Dole	Roth	Reid		
		Domenici	Santorum	Robb		
		Faircloth	Shelby			
		Frist	Simpson			
		Gorton	Smith			
		Gramm	Snowe			
		Grams	Specter			
		Grassley	Stevens			
		Gregg	Thomas			
		Hatch	Thompson			
		Hatfield	Thurmond			
			Warner			
					<b>EXPLANATION OF ABSENCE:</b>	
					1—Official Business	
					2—Necessarily Absent	
					3—Illness	
					4—Other	
					<b>SYMBOLS:</b>	
					AY—Announced Yea	
					AN—Announced Nay	
					PY—Paired Yea	
					PN—Paired Nay	

Compiled and written by the staff of the Republican Policy Committee—Don Nickles, Chairman

fact, the question then arises as to who will assume responsibility. As a practical matter, this bill will make State and local governments pay. The Federal Government is responsible for determining who is allowed into the country, not the States, but under this bill the Federal Government will refuse to pay anything if a sponsor has any money. Thus, when a sponsor refuses to pay up, and State and local governments are unable to collect, they will be left holding the bill for providing needed welfare services to legal immigrants. Basically, the Federal Government will be assuming the role of deadbeat dad--it will bring these dependents into the country, but it will not support them. To correct this problem, the Graham amendment would provide that none of the mandates in this bill could be imposed unless the Federal Government assumed the costs that State and local governments would almost certainly incur. We think this amendment is fair, and urge our colleagues to vote for its adoption.

**Those opposing** the amendment contended:

In this latest twist on the deeming issue, our colleagues are suggesting that State and local governments should be allowed to make the Federal Government give welfare to sponsored immigrants, even if their sponsors have plenty of money to take care of them. Under the Graham amendment, all State and local governments would have to do is say that their welfare costs went up as a result of the Federal Government denying welfare to such immigrants, as required by this bill. We emphatically disagree with our colleagues. State and local governments should not have the right to tell the Federal Government that it has to spend more of the taxpayers' money on welfare.

Further, we do not believe that the provisions in this bill will impose any appreciable costs on State and local governments unless those governments voluntarily assume new burdens. Every welfare program already has procedures to verify the income levels of people who apply for benefits. Under this bill, an applicant for welfare will have to be asked up to three extra questions: "Are you a legal immigrant with a sponsor?; and if so, what is your sponsor's income, and what is your sponsor's net worth?" The agency involved will then check the sponsor's income and resources using the same procedures it has in place to check applicants' income and resources. It will either be determined that a sponsor is not able to pay, and a poor immigrant will then be eligible for Federal welfare benefits, or it will be determined that a sponsor is able to pay, in which case the agency will be given full legal rights to force the sponsor to pay. For those Senators who worry that it may be difficult to force sponsors to pay, we note that over the years we have heard plenty of horror stories on how difficult it is to wade through Federal bureaucratic red-tape to get reimbursed for Medicaid and other Federal welfare benefits.

Frankly, though, we have no doubt that if the Graham amendment were to pass numerous State and local welfare agencies would announce that their costs had gone up and that deeming would not apply. The reason has to do with the types of individuals who work in those agencies. They want to give more welfare benefits, and they look at the Federal Government as a huge, bottomless piggybank for their social programs.

We do not view the Federal Government in that manner. Our country is in enough fiscal trouble already. It does not need the additional burden of paying to take care of legal immigrants who have sponsors who are capable of providing the needed support, and who have promised to provide the needed support. We therefore urge the rejection of the Graham amendment.